

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12776, of Clarence E. Butler, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a non-conforming use from a retail grocery store (first floor) to a grocery store and delicatessen (first floor) in an R-5-C District at the premises 1119 "N" Street, N. W., (Square 313, Lot 806).

HEARING DATE: October 25, 1978

DECISION DATE: October 25, 1978 (From the Bench)

FINDINGS OF FACT:

1. The subject property is located in an R-5-C District at the northeastern corner of 12th and "N" Streets, N. W., known as 1119 "N" Street, N. W.

2. The subject property is presently developed with a two story brick structure.

3. The first floor of the existing structure is presently used as a grocery store. The second floor is currently boarded up and unused.

4. The applicant proposes to use the first floor as a grocery store and delicatessen.

5. The grocery store has operated as such since the 1950's. It is currently operating pursuant to Certificate of Occupancy No. B108594, dated May 30, 1978.

6. The subject property is surrounded by a number of similar row houses which are in need of repairs. There is a fairly new townhouse development in the same square at the corner of 11th and "N" Streets. Construction is also underway for a new apartment building at the corner of 12th and "O" Streets.

7. The subject facility is small in area located on a lot approximately twenty feet wide, and twenty-six feet deep.

8. The present grocery store sells packaged goods such as candy, canned goods, paper items and bread. The proposed change in use would permit the applicant to sell cold sandwiches, coffee, tea and soup.

9. The present facility operates from 8:00 a.m. to 11:00 p.m., and the applicant proposes no change in the hours of operation. The present facility employs three full time employees. The applicant testified that the addition of the delicatessen, would require two new employees.

10. The existing non-conforming use of a grocery store is first permitted as a matter-of-right in a C-1 zone. The proposed delicatessen use is also first permitted as a matter-of-right in a C-1 zone district.

11. Pursuant to Sub-section 7104.2 of the Zoning Regulations a Class II non-conforming use may be changed to a use which is permitted in the most restrictive district in which the existing use is permitted.

12. There was no report from Advisory Neighborhood Commission 2-C on this application.

13. The Municipal Planning Office by report dated October 13, 1978, recommended approval of this application on the grounds that the proposed use will provide a supplementary amenity to the neighborhood, and will not adversely affect the surrounding area. The Board so finds.

14. There was no opposition to the granting of this application.

#### CONCLUSION OF LAW AND OPINION

Based on the above Findings of Fact and the evidence of record, the Board is of the opinion that the requested change of non-conforming use will not adversely affect adjacent or surrounding properties. The Board concludes that the proposed use will provide a neighborhood service and that the applicant has met the required burden of proof under Sub-section 7104.2. The requested change is in harmony with the general purpose and intent of the Zoning Regulations and Map. Accordingly, it is hereby ORDERED that this application is hereby GRANTED.

VOTE: 5-0 (Charles R. Norris, William F. McIntosh, Ruby B. McZier, Chloethiel Woodard Smith and Leonard L. McCants to GRANT ).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 29 NOV 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.